

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

Hyde, Robert Alan
RECKITT & COLMAN Inc
1655 Valley Road
Wayne
New Jersey 07474
ETATS-UNIS D'AMERIQUE

TO: *RIAT*

TO: *dm 20/2/04*

CAS: *11006P1 WO*

dm
ms 19/11/04 dm

PCT

WRITTEN OPINION
(PCT Rule 66)

Date of mailing
(day/month/year)

10.02.2004

Applicant's or agent's file reference
11006P1 WO/AK

REPLY DUE

within 3 month(s)
from the above date of mailing

International application No.
PCT/GB 03/01449

International filing date (day/month/year)
03.04.2003

Priority date (day/month/year)
03.04.2002

International Patent Classification (IPC) or both national classification and IPC
A46B11/00

Applicant
RECKITT BENCKISER (UK) LIMITED et Al.

1. This written opinion is the **first** drawn up by this International Preliminary Examining Authority.
2. This opinion contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application
3. The applicant is hereby **invited to reply** to this opinion.

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also: For an additional opportunity to submit amendments, see Rule 66.4.
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.
For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.
4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 03.08.2004

Name and mailing address of the international preliminary examining authority:



European Patent Office - P.B. 5818 Patentaan 2
NL-2280 HV Rijswijk - Pays Bas
Tel. +31 70 340 - 2040 Tx: 31 651 epo nl
Fax: +31 70 340 - 3016

Authorized Officer

Triantaphillou, P

Formalities officer (incl. extension of time limits)
Rasmussen, S
Telephone No. +31 70 340-4595



I. Basis of the opinion

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"*):

Description, Pages

1-32 as originally filed

Claims, Numbers

1-10 as originally filed

Drawings, Sheets

1/17-17/17 received on 30.06.2003 with letter of 16.06.2003

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

5. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

6. Additional observations, if necessary:

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims	1-5 7-10
Inventive step (IS)	Claims	1-10
Industrial applicability (IA)	Claims	

2. Citations and explanations**see separate sheet**

Reference is made to the following documents:

- D1: DE 23 31 694 A (UGRINSKY ALEXANDER) 16 January 1975 (1975-01-16) cited in the application
- D2: US-A-6 022 163 (ASFUR AMAL) 8 February 2000 (2000-02-08)
- D3: DE 72 14 661 U (MERK) 28 September 1972 (1972-09-28)
- D4: US-A-4 534 669 (HECK SAMUEL C ET AL) 13 August 1985 (1985-08-13) cited in the application
- D5: GB-A-2 342 403 (EBEDE CHRISTIAN BENN) 12 April 2000 (2000-04-12) cited in the application
- D6: US-A-5 984 555 (SAMAD VICAR) 16 November 1999 (1999-11-16) cited in the application
- D7: EP-A-1 190 644 (GIVAUDAN SA) 27 March 2002 (2002-03-27) cited in the application

1. PRIOR ART

1.1 All the technical features of independent claim 1 are disclosed in document D1, (as well as D3 - D7). Independent claim 1 is not novel according to Article 33(2) PCT.

1.2 The technical features of dependent claims 2-5 & 7-10 are also disclosed in documents D1 & D3-D7. Dependent claims 2-5 & 7-10 also lack novelty according to Article 33(2) PCT.

1.3 The additional technical features of dependent claim 6 are also disclosed in the combination of documents D1 & D2. Dependent claim 6 does not involve an inventive step according to Article 33(3) PCT.

1.4 The combination of the features of dependent claims 4 & 8 is not rendered obvious by the available prior art. It is suggested therefore that a new independent claim be drafted to include these features, bearing in mind that the features known in combination in D1 should be placed in the preamble of such a claim in accordance with Rule 6.3(b) PCT.

2. FURTHER OBSERVATIONS

2.1 The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).

2.2 It is considered that in independent claim 1 the word "wherein" indicates the characterising part according to Rule 6.3(b)(ii) PCT. It would be preferable that it be expressed correctly.

2.3 In claim 9 the expression "The lavatory cleaning brush.." would be better expressed as "A lavatory cleaning brush..", for clarity reasons as there is no prior reference to any lavatory cleaning brush in the claims.

2.4 Claim 10 contains references to the description and the drawings. According to Rule 6.2(a) PCT, claims should not contain such references except where absolutely necessary, which is not the case here.
